

Introduced by Senator Pavley

February 27, 2009

An act to add Part 5.2 (commencing with Section 5200) to Division 2 of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 736, as introduced, Pavley. Water consumption fee.

Existing law requires a person who files a specified application, registration, petition, or request relating to water use to pay certain fees imposed by the State Water Resources Control Board, in accordance with a prescribed fee schedule.

Existing law requires certain persons who extract groundwater in excess of a specified amount to file an annual notice of extraction with the state board.

This bill, with specified exceptions, beginning on an unspecified date, would impose, on a person diverting or extracting more than an unspecified amount of water, a water resource consumption fee in an unspecified dollar amount per acre-foot of water diverted or extracted. The fees would be deposited in the Water Resources Consumption Fund, which the bill would create, the proceeds of which would be available, subject to appropriation, for unspecified purposes.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. It is the intent of the Legislature to enact
- 2 legislation imposing a fee to fund water projects and programs
- 3 that would mitigate the impact of surface water diversions and

1 groundwater extractions and that would reduce the demand for
2 additional diversions and extractions.

3 SEC. 2. Part 5.2 (commencing with Section 5200) is added to
4 Division 2 of the Water Code, to read:

5
6 PART 5.2. WATER CONSUMPTION FEE

7
8 CHAPTER 1. SHORT TITLE

9
10 5200. This part shall be known and may be cited as the ____.

11
12 CHAPTER 2. DECLARATION OF POLICY

13
14 5205. The Legislature hereby finds and declares that it is
15 necessary to establish a sustainable funding source for water
16 resource projects and programs that benefit all water users.

17
18 CHAPTER 3. DEFINITIONS

19
20 5210. Unless the context otherwise requires, the provisions of
21 this chapter govern the construction of this part.

22 5211. As used in this part, the following terms have the
23 following meanings:

24 (a) "Diversion" or "diverting" means ____.

25 (b) "Extraction" or "extracting" means ____.

26 (c) "Fund" means the Water Resources Consumption Fund
27 created by Section 5240.

28 (d) "Groundwater bank" or "bank" means ____.

29
30 CHAPTER 4. FEE SCHEDULE

31
32 5220. (a) Unless expressly exempted by this chapter, the fees
33 imposed by this part apply to all persons diverting or extracting
34 water, regardless of the type of water right, the status of that right,
35 or method of diversion or extraction.

36 (b) The fees imposed by this part are in addition to any other
37 fee or charge that may be imposed by the state, local groundwater
38 management agency, court order, or other legally enforceable
39 charge on water diversions or extractions.

1 5221. Beginning ____, except as exempted by this chapter, a
2 person diverting or extracting more than ____ of water, shall be
3 subject to a water resource consumption fee of ____ dollars (\$____)
4 per acre-foot of water diverted or extracted.

5 (a) The fee shall be due and payable to the ____ by ____, and
6 shall be imposed on all water diverted or extracted during ____.

7 (b) The fee shall be adjusted for inflation by ____ every ____
8 years.

9 5222. The fee does not apply to any of the following:

10 (a) Extractions of water previously deposited in a groundwater
11 bank, if the operator of the groundwater bank has complied with
12 Section 5232.

13 (b) ____.

14
15 CHAPTER 5. ADMINISTRATION

16
17 5230. The ____ shall collect the fee as required by this part
18 and shall deposit the proceeds in the fund.

19 5231. The ____ shall promulgate regulations governing the
20 collection and administration of the fee it determines to be
21 necessary.

22 5232. In order for an extraction of water previously deposited
23 in a groundwater bank to be eligible for the fee exemption
24 established in subdivision (a) of Section 5222, the operator of the
25 groundwater bank shall comply with the following:

26 (a) Register the bank with the ____.

27 (b) Provide the ____ with the following information:

28 (1) ____.

29 (2) ____.

30 5233. The ____ may impose penalties as follows:

31 (a) ____.

32 (b) ____.

33
34 CHAPTER 6. WATER RESOURCES CONSUMPTION FUND

35
36 5240. There is in the State Treasury a Water Resources
37 Consumption Fund, which is hereby created.

38 5241. All of the following shall be deposited in the fund:

39 (a) Proceeds of the fees imposed pursuant to Chapter 4
40 (commencing with Section 5220).

1 (b) Proceeds of any penalties that may be assessed pursuant to
2 Section 5233.

3 5242. Money in the fund is available for expenditure, upon
4 appropriation by the Legislature, for the following purposes:

5 (a) ____.

6 (b) ____.

7

8 CHAPTER 7. SOVEREIGN IMMUNITY

9

10 5250. ____.